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REMARKS

Claims 1-5 and 12-15 were rejected under 35 U.S.C. 102(a) on Kawasaki, Boiziau, Herrmann and Trinh. The Examiner has alleged that these references disclose an active or functional organic compound solubilized in a phenylethyl ester.

Applicant respectfully traverses the Examiner's rejection of these claims on any of the cited references.

The claims herein are directed to a composition of an active or functional organic compound solubilized in a phenylethyl ester which is an aryl carboxylic ester of 2-phenylethyl alcohol (claim 1). Preferred esters of the invention are 2-phenylethyl benzoate, 2-phenylethyl toluate or di-2-phenylethyl phthalate. Representative active or functional compounds which are solubilized by the defined phenylethyl ester are personal care, cosmetic, pharmaceutical, agricultural or industrial compounds, e.g. a sunscreen compound.

The specification teaches that, in the preferred embodiments of the invention, the active is solubilized in an amount of at least 20%, most preferably 30% w/w or more, with the solubilizer ester of the invention. Examples of such compositions are fully described therein.

In contrast, none of the cited references, alone or in combination, disclose such solubilizing property of the defined ester, or of any compositions with high concentrations of an active solubilized in the ester.

More particularly, Kawasaki merely discloses a composition for odor masking of permanent wave agents, hair dyes, etc. which includes many fragrance ingredients such as 1,3,5-undecatriene. Phenylethyl benzoate is mentioned in the Abstract but not as an essential component for solubilizing any of the fragrance or other ingredients in the composition.

Similarly, Boiziau discloses only leave-on hair care and skin care compositions containing perfumes. The Abstract mentions phenyl ethylbenzoate; however, no suggestion of its solubilizing effect upon the active or functional hair or skin care

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ingredients in the composition is described or suggested in the Abstract or any corresponding U.S. patent.

Herrmann is seen to disclose cyclic compounds for their use as precursors of fragrant producing alcohols. However, the Table in col. 20 merely listed a number of compounds, e.g. 2-phenylethyl-2-formyl benzoate useful as perfumery agents. Furthermore, neither this compound or any of the other agents in the Table disclosed or suggested that it had a solubilizing effect upon active or functional organic compounds.

The cited Trinh reference relates only to personal treatment compositions containing enduring perfumes. Tables 1 and 2 therein, particularly Table 1, listed examples of enduring perfume ingredients, including phenyl ethyl benzoate (col. 5, line 40). However, Trinh does not disclose or suggest that this compound is an effective solubilizer for any active component of the personal treatment composition.

In summary, none of the cited references disclose that the defined compounds of the invention, particularly 2-phenylethyl benzoate, 2-phenylethyl toluate and di-2-phenylethyl phthalate, have excellent solubilizing power for active or functional organic compounds, e.g. sunscreen compounds (page 14, Table 1 of specification), and are safe for personal care use. More particularly the solubilizer compounds of the invention are effective in solubilizing at least 20%, preferably 30% or more (w/w) of the active or functional compound, as described and claimed herein.

In view of the foregoing, reconsideration and early allowance of the claims presently in the application is respectfully solicited.

Respectfully submitted,



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